

**CALIFORNIA STATE PERSONNEL BOARD  
801 CAPITOL MALL  
SACRAMENTO, CALIFORNIA 95814**

**California Code of Regulations Title 2,  
Division 1, Chapter 1, Subchapter 1, Article 8,  
Psychological Screening**

**PROPOSED TEXT**

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Text proposed to be deleted is displayed in ~~strikeout~~ type.

**§ 172.6 Responsibility for Psychological Screening.**

The B board shall psychologically screen candidates for peace officer classifications, unless the B board delegates to an appointing power the authority to conduct psychological screenings in accordance with this regulation. No appointing power shall conduct any psychological screenings without prior B board authorization, except as otherwise authorized by law. Any request for authorization must be submitted in writing to the B board. An appointing power authorized by the B board to conduct psychological screening shall do so in accordance with the procedures defined in Sections 172.7, 172.8, 172.9, ~~and 172.10,~~ and 172.11.

Note: Authority cited: Sections 18211, 18213 and 18701, Government Code.  
Reference: Section 18500, Government Code.

**§ 172.7 Standards and Procedures for Psychological Screening.**

The standards and procedures for conducting psychological screening shall be as follows:

(~~1~~ a) through (~~2~~ b) No change.

(~~3~~ c) Evaluation Interview. Each candidate shall have a face-to-face evaluation interview conducted by a qualified professional as defined in Section 172.5 and selected by the B board's ~~Psychological Officer~~ Chief Psychologist. With respect to each candidate, the interviewing qualified professional shall have prior access to all psychological screening tests and questionnaire data, summaries of available prior screening reports, summaries of available prior mental health

evaluation/treatment records and salient medical records, and a summary of the appointing power's background investigation report.

(4 d) Report of Findings. The interviewing qualified professional shall submit to the B board's ~~Psychological Officer~~ Chief Psychologist a recommendation as to whether the candidate meets the minimum psychological standards for appointment as a peace officer, together with a detailed report of findings and opinions that explain and support the recommended decision.

(5 e) Screening Determination. The B board's ~~Psychological Officer~~ Chief Psychologist shall determine whether candidates should be certified as meeting the psychological standards for appointment as peace officers, subject to the right of appeal to the B board. In determining whether a candidate meets the psychological standards for appointment as a peace officer, the B board's ~~Psychological Officer~~ Chief Psychologist shall consider the qualified professional's report of findings, written psychological test data, and substantiating behavioral evidence derived from one or more of the following sources: prior evaluation and/or treatment records; background investigation or other information collected by the appointing power or the B board; the candidate's self-report of personal history; and behavior manifested in the evaluation interview.

Note: Authority cited: Sections 18211, 18213 and 18701, Government Code.  
Reference: Sections 1031 (f)-(g) and 18931, Government Code; and Sections 13503, 13506, 13510, 13510.5 and 13601(a), Penal Code

## **§ 172.8 Psychological Screening Withhold from Certification**

The B board ~~may~~ shall withhold or withdraw from certification, prior to appointment, any candidate who does not meet the minimum psychological standards as defined in Section 172.7(4 a).

Note: Authority cited: Sections 18211, 18213 and 18701, Government Code.  
Reference: Section 18935, Government Code.

## **§ 172.9 ~~Appeal of Psychological Screening Withhold.~~ Dispute Resolution**

~~Candidates withheld or withdrawn from certification pursuant to Section 172.8 may file a written appeal. Any such appeal shall be filed within 30 days after the candidate is notified that he or she had been withheld or withdrawn from certification. Upon receipt of the written appeal, the Appeals division will forward to the candidate instructions for obtaining an evaluation from an outside qualified professional selected by the candidate, including a release form to be signed by the candidate authorizing the release of psychological screening records to the~~

~~qualified outside professional. The appeal may be dismissed if the candidate fails to return the signed authorization prior to obtaining an evaluation from the outside professional. The qualified outside professional shall, within 90 days of the date that the appeal is filed with the board, submit a signed written report stating an opinion as to whether the candidate meets the minimum psychological standards for appointment as a peace officer, together the documentation of findings that explain and support that opinion. The appeal dispute may be dismissed if the selected outside professional candidate does not submit the requisite report within the 90 day time period. The appeal shall be dismissed if the qualified professional selected by the candidate does not submit an evaluation report recommending that the candidate meets the minimum psychological standards for appointment as a peace officer. Upon timely receipt of a positive evaluation opinion and report from the selected outside professional, the appeal dispute shall be scheduled for review~~

Candidates disqualified in the psychological screening process may dispute the decision utilizing the following Dispute Resolution Process.

(a) Prior to a final determination by the Board to withhold a candidate from certification based upon the Chief Psychologist's decision to accept the Report of Findings disqualifying the candidate from consideration, the Psychological Screening Program shall mail to the candidate:

(1) A letter of disqualification with instructions for disputing the decision, including information relative to obtaining an evaluation from one outside qualified professional; and

(2) A release form to be signed by:

(A) The candidate authorizing the Board to release the candidate's psychological screening records to the candidate's outside qualified professional; and

(B) The outside qualified professional certifying that licensure requirements are met pursuant to section 172.5.

(3) Failure to return the authorization signed by the candidate within 10 working days prior to the conclusion of the 90 day time frame in subdivision (b) shall result in the closing of the Dispute Resolution Process and a final determination that the candidate will be withheld from certification in meeting the minimum psychological standards for appointment as a peace officer.

(b) Within 90 calendar days of the date of disqualification, the outside qualified professional shall submit a signed written report stating an opinion as to whether the candidate meets the minimum psychological standards for appointment as a

peace officer as provided in section 172.7, together with the documentation of findings that explain and support that opinion.

(c) The candidate's dispute shall be closed if the outside qualified professional fails to submit a report within the 90 day timeframe, or where the outside qualified professional submits a negative report not recommending that the candidate meets the minimum psychological standards for appointment as a peace officer.

(d) The 90 day period for the outside qualified professional to submit a report may be extended based upon a showing of good cause.

(e) Upon timely receipt of a positive report from the outside qualified professional recommending that the candidate meets the minimum psychological standards for appointment as a peace officer, the candidate's dispute shall be scheduled for review by the Chief Psychologist who will render one of the following decisions:

(1) Where the Chief Psychologist reverses the disqualification following the review, the candidate will be certified as meeting the minimum psychological standards for appointment as a peace officer, and the dispute will be closed; or

(2) Where the Chief Psychologist does not reverse the disqualification following the review, the decision of the Chief Psychologist as the Board's designee, to withhold certification of the candidate remains final unless and until an appeal is filed by the candidate pursuant to section 172.10.

Note: Authority cited: Sections 18211, 18213 and 18701, Government Code.  
Reference: Section 18670, Government Code.

#### **§ 172.10 Appeal of Psychological Screening Withhold.**

Candidates who have obtained a positive report from an outside qualified professional, but who are withheld from certification by the Board's designee, may file a written appeal with the Appeals Division. Any such appeal shall be filed within 30 days after the candidate is notified that he or she has been withheld from certification.

(a) Upon timely receipt of the appeal, an informal hearing shall be scheduled as provided in section 54.1.

Note: Authority cited: Sections 18211, 18213 and 18701, Government Code.  
Reference: Section 18670, Government Code.

**§ ~~172.10~~ 11 Retention of Psychological Screening Records.**

The B board shall retain all psychological screening testing materials, written reports and related records for a minimum of five years. These records shall be the exclusive property of the B board. Confidentiality of these materials and related information shall be maintained consistent with laws governing the collection, maintenance, and release of medical and psychological information, including but not limited to the Information Practices Act of 1977 (Title 1.8 of Division Third, Part 4 of the Civil Code, commencing with Section 1798) and the Confidentiality of Medical Information Act (Part 2.6 of Division First of the Civil Code, commencing with Section 56.)

Note: Authority cited: Sections 18211, 18213 and 18701, Government Code.  
Reference: Section 18931, Government Code.

**§ ~~172.11~~ 12 Retention of Psychological Screening Testing Materials.**

Note: Authority cited: Section 18701, Government Code. Reference: Section 18931, Government Code.